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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,026	02/14/2002	Ronald D. Blum	13561/321	5663
23838	7590	05/08/2006	EXAMINER	
KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005			DINH, DUC Q	
			ART UNIT	PAPER NUMBER
			2629	

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/074,026	BLUM ET AL.	
	Examiner DUC Q. DINH	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 February 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 36-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 36-74 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20200</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on February 27, 2006, Claims 36-74 are pending in the Application, Claims 65-74 are newly added.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Newly added Claims 65-74 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 65 cites “a floor display that conveys marketing information for a *product that is proximal to the floor display*” there is not support in the specification for the cited limitation.

The examiner examines the application based on best understood of the claimed language.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, “*a floor display that conveys*

marketing information for a product that is proximal to the floor display” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 36-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over (U. S. Castle (U.S Patent No. 5,848,830) in view of Giraud (U.S Patent No. 5,966,696).

In reference to claim 36, Giraud discloses an advertising system in Fig. 1, comprising: a display (12); at least one motion sensor (30); a controller (28) coupled to the at least one motion sensor (30) and display (12); a memory (36) instructions for illuminate the display (col. 2, lines 343-40) coupled to the controller (28); the controller electrically connected the display, the sensor and the memory and read the memory and activates the display in response to a signal from the sensor (col. 5, lines 5-20).

Accordingly, Giraud discloses all the claimed limitations except the display is a floor display. Castle discloses an illuminated floor display using for presenting advertising information to consumer (col. 1, lines 4-6).

It would have been obvious for one of ordinary skill in the art at the time of the invention to recognize that the teaching of presenting advertisements to consumers as taught by Giraud would be presented on a strategic location, i.e. on the floor of the in front of a store, to maximize exposure of advertisement so that it is frequently observed by consumers (col. 1, lines 55-56).

In reference to claim 37, Giraud discloses the motion sensor 30 senses motion proximal to the display (col. 5, lines 5-10).

In reference to claim 38, Giraud discloses the direct current power source that powers the controller (col. 4, lines 6-9).

In reference to claim 39, Giraud discloses the memory instructions further comprise instruction for instructing the controller to display different programs according to idle mode or active mode (col. 4, lines 16-29).

In reference to claims 40-41, Giraud discloses a sound generating means 24 connected with the controller 28 (Fig. 1) for generating audio portion of the advertisements as they are shown on the display 12 which is response to the signal from the sensor. In addition, Castle discloses a speaker 65 for broadcasting sound as claimed (col. 4, lines 35-38 of Giraud. Fig. 6, of Castle).

In reference to claim 42 Giraud discloses a method of advertising, comprising: illuminating display according to a first pattern (displaying a first non-advertisement information in idle mode); sensing motion; and illuminating the floor display according to the second pattern when motion is sensed (once the presence of at least one potential consumer within the proximal range is sensed, the activate mode of the system is invoke and the display 12 begins displaying a advertisement; col. 4, lines 49-50);

In reference to claim 43, Giraud discloses the motion sensor 30 sensing motion in an area proximal to the display (see claim 42).

In reference to claim 44, Giraud discloses sensing of the motion has stop (col.4, lines 31-32).

In reference to claims 45-46, Giraud discloses the interface switch and modem 40 for connecting the system with a host computer for receiving addition information and displaying the information on display device 12 in response from the signal from the interface as claimed.

In reference to claim 47, Castle discloses the speaker 62 for broadcasting a first sound.

In reference to claim 48, refer to the rejection as applied to claim 42 and 45-46.

In reference to claim 49, refer to the rejection as applied to claim 43.

In reference to claim 50, refer to the rejection as applied to claim 44.

In reference to claim 51, refer to the rejection as applied to claim 47.

In reference to claim 52, refer to the rejection as applied to claims 36 and 40-41.

In reference to claim 53, refer to the rejection as applied to claims 45-46.

In reference to claim 54, Giraud discloses a display system in Fig. 1. 6, comprising: a display (12); at least one motion sensor (30); a controller (28) coupled to the at least one motion sensor (30) and display (12); a memory (36) coupled to the controller (28); wherein the controller activates the display device in response to a state of contents of the memory (col. 2, lines 38-40) based on a signal from the at least one motion sensor and detected by the controller 28 (col. 5, lines 5-20).

Accordingly, Giraud discloses all the claimed limitations except the display is a floor display. Castle discloses an illuminated floor display using for presenting advertising information to consumer (col. 1, lines 4-6).

It would have been obvious for one of ordinary skill in the art at the time of the invention to recognize that the teaching of presenting advertisements to consumers as taught by Giraud on a strategic location, i.e. on the floor of the in front of a store, to maximize exposure of advertisement so that it is frequently observed by consumers (col. 1, lines 55-56).

In reference to claim 55, Giraud discloses the at least one motion sensor senses motion proximal to the display panel (col. 5, lines 5-7).

In reference to claim 56, Giraud discloses system illuminates the display device in first and second patterns based on a first state and a second state, respectively, of the contents of the memory (col. 4, lines 10-30).

In reference to claim 57, Giraud discloses the sensor system illuminates the display in a third pattern based on the third state of the memory (non-advertising information; col. 4, lines 31-34; col. 1, lines 56-62).

In reference to claim 58, Giraud discloses the system comprising a sound-generating device (24) coupled to the sensor system (see Fig. 1) to generate a sound base on a signal from the sensor system (col. 4, lines 35-39).

In reference to claim 59, refer to the rejection as applied to claim 42.

In reference to claim 60, Giraud discloses different advertisements are displayed in response to the motion sensor (col. 1, lines 55-63).

In reference to claim 61, refer to the rejection as applied to claim 58.

In reference to claim 62, refer to the rejection as applied to claim 52.

In reference to claim 63, refer to the Giraud discloses the system 10 display different display programs for idle mode and active mode in response to the signal from the motion sensor 30 and detected by the controller 28 (col. 4, lines 16-29).

In reference to claim 64, Giraud discloses the controller causes the display to display to present different display program in response to signal from the sensor and detected by the controller (col. 4, lines 31-34).

In reference to claim 65 refer to the claim 36 for the display, sensor, memory and controller and claim 41 and 42 for the sound of the system.

In reference to claims 66-74 refer to the rejection as applied to claims 40-41 and 42-44.

Response to Arguments

7. Applicant's arguments filed on February 27, 2006 have been fully considered but they are not persuasive. Applicant argues "Castle and Giraud cannot support the asserted rejection for at least the reason that the combination of references does not disclose or suggest a floor display activated by motion detected by a sensor as required by the rejected claims. Instead, Giraud only discloses a vertically-oriented display system. Castle discloses a floor mat, but the floor mat only contains a static advertisement and is not responsive to a motion Sensor". The examiner respectfully disagrees. Giraud teaches a display for advertising has motion sensor and the advertising information is activated by motion sensor (see rejection of Claim 1) as discussed above, Castle disclose the floor display advertisement display (see abstract) and responsive to a motion sensor (col. 4, lines 46-50 of Castle) even the floor mat of Castle display a dynamic pattern not static advertisement as in the argument (col. 4, lines 12-16 of Castle). Therefore, it

would have been obvious for one of ordinary skill in the art at the time of the invention to recognize that the teaching of presenting advertisements to consumers as taught by Giraud would be presented on a strategic location, i.e. on the floor in front of a store, to maximize exposure of advertisement so that it is frequently observed by consumers (col. 1, lines 55-56). With respect to the newly added claims 65-74, see the 112 Rejection, Drawing Objection and Art rejection applied to claims 65-74 above.

Therefore, the rejection is maintained.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

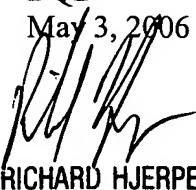
Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUC Q DINH whose telephone number is (571) 272-7686. The examiner can normally be reached on Mon-Fri from 8:00.AM-4:00.PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DUC Q DINH
Examiner
Art Unit 2629

DQD
May 3, 2006

RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
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